

REMARKS

At the time of the Office Action dated March 28, 2006, claims 21-38 were pending in this application. In this Amendment, claims 21, 24, 25 and 32-38 have been amended, and claims 22 and 23 canceled. Care has been exercised to avoid the introduction of new matter. Specifically, claim 21 and 32-36 have been amended to include the limitations recited in claims 22 and 23. Claims 24 and 25 have been amended to be dependent on independent claim 21. Adequate descriptive support for the amendment of claims 37 and 38 can be found in Fig. 7 and relevant description of the specification.

Entry of the present Amendment and Remarks, and favorable consideration, are respectfully solicited pursuant to the provisions of 37 C.F.R. §1.116.

Claims 21-38 have been rejected under 35 U.S.C. §102(e) as being anticipated by Rabin et al.

In the statement of the rejection, the Examiner asserted that Rabin et al. discloses methods and apparatus for protecting information identically corresponding to what is claimed. It is noted that the rejection of claims 22 and 23 has been rendered moot by cancellation of these claims.

In response, Applicants submit that Rabin et al. does not disclose, among other things, a recording and reproducing device including all the limitations recited in claim 21, as amended. Specifically, Rabin et al. does not disclose, among other things, the following limitations in claim 21:

the abuse prevention information calculating unit calculates and stores the first abuse prevention information in the abuse prevention information storage unit at the time of power-off of the recording and reproducing device, and

the comparing unit compares the first abuse prevention information stored at the power-off of the recording and reproducing device and the second abuse prevention information recalculated by the abuse prevention information calculating unit.

In a well-known modification (tampering) of a recording and reproducing device, an HDD is removed from the device at the time of power-off, is analyzed and tampered, and then, is attached again to the device. The disclosure of the present application describes protecting the device against such tampering. The claimed invention is configured for calculating first abuse prevention information at the time of the power-off of the recording and reproducing device. For example, the first abuse prevention information can be used to find modification (tampering) of the software configuration.

Rabin's method and apparatus enables owners and vendors of software products to protect the property rights of their software, in which a unique vendor tag system is utilized for each instant of a specific software product to detect unauthorized use or copy of the software (see the Abstract). It is, thus, apparent that Rabin et al. does not address detection of an abuse of a control program controlling the recording and reproducing device, as claimed.

Specifically, Rabin et al. neither discloses nor teaches calculating the abuse prevention information at the time of power-off. Assuming that software allows part of its configuration (e.g., a configuration file) to be changed as a process proceeds, Rabin cannot detect whether the software has the latest configuration (including the configuration file), but can only detect whether it is the original at the installation. When an HDD is removed and modified in Rabin's system, changing part (the configuration file, for example) after the installation is not detected as tampering. The HDD can freely be modified in Rabin et al. In addition, Rabin et al. may determine an update of software after its installation as tampering even if it is authorized update.

In contrast, the claimed invention requires calculating the abuse prevention information at the time of power-off, and use that information to detect an abuse of a control program controlling the recording and reproducing device. This requirement is not disclosed in Rabin et al.

Moreover, the claimed invention requires calculating the first abuse prevention information at the time of power-off of the recording and reproducing device, and comparing the first abuse prevention information stored at the power-off of the recording and reproducing device and the second abuse prevention information. This requirement makes it possible to protect software including the above-described changeable part after installation against tampering. In addition, this requirement avoids determining an authorized update as tampering, unlike Rabin's system.

Accordingly, Rabin et al. does not disclose a recording and reproducing device including all the limitations recited in independent claim 21, as amended. Dependent claims 24-31 are also patentably distinguishable over Rabin et al. at least because they respectively include all the limitations recited in independent claim 21. Applicants further note that the above discussion is applicable to independent claims 32-36, as amended.

Applicants further submit that Rabin et al. does not disclose a recording and reproducing device including all the limitations recited in independent claim 37, as amended. Specifically, the reference does not disclose, at minimum, that a control instruction sent from an abuse detecting server to a revoking unit in response to a notice of no abuse allows a recording and reproducing device to be operated, and if no control instruction, the revoking unit halts the device after a specific time.

Rabin et al. teaches that abuse detection is notified to a server and then, operation of a user device is stopped. In Rabin's system, the tampered user device can be used if there is no connection between the tampered device and the server through a network. In contrast, the claimed invention can prevent an abuse of a control program controlling a recording and reproducing device without connection between the device and a server through a network. Claim 37 requires a revoking unit to "halt the use of the recording and reproducing device..." if no control instruction is sent from an abuse detecting server. In addition, Rabin et al. does not disclose allowing operation of the recording and reproducing device based on the control instruction from the abuse detecting server when no abuse is detected.

Accordingly, Rabin et al. does not disclose a recording and reproducing device including all the limitations recited in independent claim 37. This discussion is applicable to independent claim 37 reciting an abuse prevention system including a recording and reproducing device.

Therefore, Applicants respectfully solicit withdrawal of the rejection of claims 21 and 24-38 under 35 U.S.C. §102(e) and favorable consideration thereof.

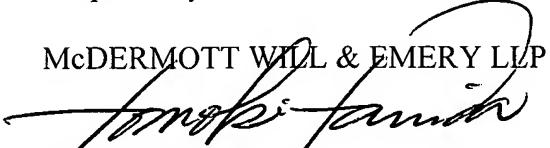
Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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